

REMARKS

Claims 1-30 are all the claims pending in the present application. Claims 8 and 20 contain allowable subject matter, and would be allowable if re-written in independent form including all of the limitations of the base claim and any intervening claims.¹

In summary, the Examiner maintains many of the claim rejections for similar reasons set forth in the previous Office Action, and adds a new reference to support the claim rejections. Specifically, claims 1-4, 11-16, 23-26, 28, and 29, are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Deschuytere (US Patent No. 6, 160,643) in view of Katayama et al. (US Patent No. 5,982,951). Claims 5 and 17 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Deschuytere in view of Katayama, and further in view of Shimizu et al. (US Patent No. 5,489,989). Claims 6 and 18 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Deschuytere in view of Katayama and further in view of Suhr et al. (US Patent No. 6,466,337). Claims 7 and 19 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Deschuytere in view of Katayama, and further in view of Koretsune et al. (US Patent No. 6,501,087). Claims 9 and 21 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Deschuytere in view of Katayama, and further in view of Loushin (U.S. Patent No. 6,462,835). Claims 10 and 22 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Deschuytere in view of Katayama, and further in view of Brandestini et al. (US Patent No. 6,044,180). Claim 27 is rejected under 35 U.S.C. §

¹ On page 11 of the present Office Action, the Examiner mistakenly indicates that claims 8-20 contain allowable subject matter, however she apparently intended to indicate that only claims 8 and 20 contain allowable subject matter.

103(a) as allegedly being unpatentable over Deschuytere in view of Katayama, and further in view of Edgar (US Patent No. 5,266,805). Claim 30 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Deschuytere in view of Katayama, and further in view of Yamakawa (US Patent No. 5,892,595).

§103(a) Rejections (Deschuytere/Katayama) - Claims 1-4, 11-16, 23-26, 28 and 29

Claims 1-4, 11-16, 23-26, 28 and 29 are rejected for the reasons set forth on pages 2-5 of the present Office Action. Applicant traverses these rejections at least based on the following reasons.

With respect to claim 1, the Examiner previously alleged that Deschuytere anticipates this claim, and Applicant previously argued that Deschuytere does not disclose or suggest at least, “corrects for reading discrepancies in the reading device by applying data correction values to the electronic information corresponding to each area,” as recited in claim 1. In the present Office Action, the Examiner acknowledges that Deschuytere does not disclose:

a data processing system electronically connected to the reading device and receiving the electronic information therefrom, the data processing system including a memory and logic, the logic defining the electronic information as being divided into a plurality of areas, with each area comprising a plurality of the pixels, and corrects for reading discrepancies in the reading device by applying data correction values to the electronic information corresponding to each area, with the data correction values stored in the memory, and previously obtained by reading a predetermined image of at least one type corresponding or similar to the original.

The Examiner however believes that Katayama makes up for the deficiencies of Deschuytere. To support the Examiner’s argument that Katayama satisfies the above-quoted limitations of claim 1, the Examiner cites col. 4, lines 19-22; col. 6, lines 19-21; col. 11, lines 64-

67; col. 12, lines 1-4; and col. 18, lines 33-45. However, Katayama does not disclose or suggest, “applying data correction values to the electronic information corresponding to each area, with the data correction values stored in the memory, and previously obtained by reading a predetermined image of at least one type corresponding or similar to the original.” That is, Katayama is directed to combining a plurality of images to generate a panoramic image. *See Abstract.* Katayama identifies an overlapping region of two inputted images and determines a boundary of the two images. Correction is performed on an area between the two inputted images such that a combined image in which the boundary between the two inputted images is inconspicuous.

However, nowhere does Katayama disclose or suggest applying data correction values to electronic information with data correction values stored in memory and that the values are previously obtained by reading a predetermined image of at least one type corresponding or similar to an original. That is, even though Katayama describes that pixel values relating to an area outside a tone conversion area 150R are written (col. 11, lines 61-63), nowhere does Katayama disclose or suggest that these pixel values are utilized as data correction values. Furthermore, the tone conversion area of Katayama is the area to which correction is being made, therefore the writing of pixel values outside of that area do not relate to the claimed feature of performing an operation of applying data correction values.

Further, Applicant submits that one of ordinary skill in the art would not have been led to combine Deschuytere with Katayama, to arrive at the present invention. Deschuytere is directed to an apparatus and a method for digitizing a color negative picture and correcting image signals in a way that they are linearly related to the luminance of the photographed scene for grey tones

in the scene. *See Abstract of Deschuytere*. That is, Deschuytere involves the use of a color negative or original picture for performing image correction. Katayama, on other hand, is directed to simply combining two separate images such that they generate a panoramic image. Any data correction that is performed is performed in a boundary area between the images in Katayama, and such data correction would not involve the use of an original image. Therefore, at least because Katayama and Deschuytere are directed to two different inventions, one of ordinary skill in the art would not have been led to combine the two references.

Yet further, contrary to the Examiner's assertion, the system of Katayama would NOT have provided a "system for reading an image with discrepancy corrections utilized," at least based on the differences in the applied references set forth above.

At least based on the foregoing, Applicant submits that independent claim 1 is patentably distinguishable over the applied references, either alone or in combination.

Applicant submits that independent claim 13 is patentable for reasons similar to those set forth above with respect to claim 1, as claim 13 recites limitations similar to those set forth in claim 1.

Further, with respect to claim 13, the Examiner does not even respond to the specific arguments set forth in the previous Response with respect to the patentability of claim 13 over Deschuytere. In the present Office Action, the Examiner simply states that claim 1 is representative of claim 13. Accordingly, Applicant maintains the same arguments set forth in the previous Response with respect to claim 13. Yet further, Katayama does not make up for the deficiencies of Deschuytere such that the claimed features of claim 13 are satisfied. Therefore,

at least based on the foregoing, Applicant submits that independent claim 13 is patentably distinguishable over the applied references, either alone or in combination.

With respect to dependent claims 2-4, 11, 12, 14-16, 23-26, 28, and 29, Applicant submits that these claims are patentable at least by virtue of their respective dependencies from independent claims 1 and 13.

Further, with respect to claims 2, 14, 25, and 26, in the previous Response, Applicant made specific arguments regarding the features set forth in these claims, and how Deschuytere does not satisfy these particular features. In the present Office Action, the Examiner maintains the exact same arguments set forth previously, and does not respond to Applicant's previous arguments with respect to claims 2, 14, 25, and 26. Applicant maintains these same arguments.

§103(a) Rejections (Deschuytere/Katayama/Shimizu) - Claims 5 and 17

Applicant submits that dependent claims 5 and 17 are patentable at least by virtue of their respective dependencies from independent claims 1 and 13. Shimizu does not make up for the deficiencies of Deschuytere and Katayama.

§103(a) Rejections (Deschuytere/Katayama/Suhr) - Claims 6 and 18

Applicant submits that dependent claims 6 and 18 are patentable at least by virtue of their respective dependencies from independent claims 1 and 13. Suhr does not make up for the deficiencies of Deschuytere and Katayama.

§103(a) Rejections (Deschuytere/Katayama/Koretsune) - Claims 7 and 19

Applicant would again point out that, in the Amendment dated April 19, 2004, Applicant perfected priority under 35 U.S.C. § 119, and requested removal of Koretsune as a prior art reference. Koretsune has a filing date of April 14, 2000, which is after the filing date of JP 11-

343565 (December 2, 1999), from which the present application claims benefit of priority. To perfect priority, Applicant previously submitted a verified English language translation of priority document JP 11-343565 on April 19, 2004, and a statement that the translation is accurate. Therefore, at least based on the foregoing, Applicant again requests that the Examiner withdraw the rejections of claims 7 and 19 over Deschuytere and Koretsune.

Also, Applicant maintains that dependent claims 7 and 19 are patentable at least by virtue of their respective dependencies from independent claims 1 and 13. Koretsune does not make up for the deficiencies of Deschuytere and Katayama.

§ 103(a) Rejections (Deschuytere / Katayama / Loushin) - Claims 9 and 21

Applicant submits that dependent claims 9 and 21 are patentable at least by virtue of their respective dependencies from independent claims 1 and 13. Loushin does not make up for the deficiencies of Deschuytere and Katayama.

§ 103(a) Rejections (Deschuytere / Katayama / Brandestini) - Claims 10 and 22

Applicant yet again points out that Nishimura is assigned to Fuji Photo Film Co., Ltd., and only qualifies as a reference as § 102(e) art. Therefore, under § 103(c), Nishimura can not be applied as a § 103(a) reference. Therefore, Applicant yet again respectfully requests that this § 103 rejection be withdrawn.

Applicant also maintains that dependent claims 10 and 22 are patentable at least by virtue of their respective dependencies from independent claims 1 and 13. Brandestini does not make up for the deficiencies of Deschuytere and Katayama.

§ 103(a) Rejection (Deschuytere / Katayama / Edgar) - Claim 27

Applicant submits that dependent claim 27 is patentable at least by virtue of its dependency from independent claim 1. Edgar does not make up for the deficiencies of Deschuytere and Katayama.

§ 103(a) Rejection (Deschuytere / Katayama / Yamakawa) - Claim 30

Applicant submits that dependent claim 30 is patentable at least by virtue of its dependency from independent claim 1. Katayama does not make up for the deficiencies of Deschuytere and Katayama.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

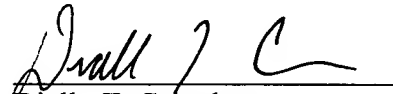
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